



California Fair Political Practices Commission

December 27, 1989

Bruce W. Robeck
Paralegal Administrator
Political Reports Unit
Nielsen, Merksamer, Hodgson,
Parrinello & Mueller
770 L Street, Suite 800
Sacramento, CA 95814

Re: Your Request for Informal Assistance
Our File No. I-89-634

Dear Mr. Robeck:

We are in receipt of your letter dated October 25, 1989 (copy enclosed) in which you request confirmation of telephone advice provided to you on October 5, 1989. I advised you during our telephone conversation of November 2, 1989 that upon reconsideration of the advice provided to you and with a clearer understanding of the question posed, we have concluded that we are unable to confirm the telephone advice provided. Because your request for advice does not identify a particular committee, we have treated your request as one for informal assistance.¹

QUESTION

Is a contribution to a ballot measure committee controlled by an elected state officer cumulated with contributions to candidate committees controlled by that elected state officer for purposes of the special odd-numbered year disclosure statement?

CONCLUSION

Contributions to a ballot measure committee controlled by an elected state officer must be cumulated with contributions to the elected officer's other controlled committees for purposes of the special odd-numbered year disclosure statement.

¹ Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 California Code of Regulations Section 18329(c)(3), copy enclosed.)

ANALYSIS

The Political Reform Act (the "Act")² imposes certain disclosure obligations upon candidate controlled committees. Specifically, Section 84202.7 reads as follows:

(a) Except as provided in subdivision (b), during an odd-numbered year, any committee by virtue of Section 82013 which makes contributions totaling five thousand dollars (\$5,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified below shall file campaign statements on the following dates:

(1) No later than April 30 for the period of January 1 through March 31.

(2) No later than October 31 for the period of July 1 through September 30.

(b) If a committee makes contributions totaling five thousand dollars (\$5,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified in subdivision (a), and all of those contributions are reported pursuant to Section 84202.5 or Section 86116 on or before the time specified in subdivision (a), the committee shall not be required to file additional statements for that period pursuant to this section.

The special odd-numbered year report is triggered by contributions to a candidate or any of his or her controlled committees, including ballot measure committees as well as candidacy committees. For purposes of determining the reporting threshold, all contributions made by the committee to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer must be cumulated. Therefore, contributions to an elected state officer's controlled ballot measure committees must be counted toward the \$5,000 threshold for purposes of Section 84202.7.

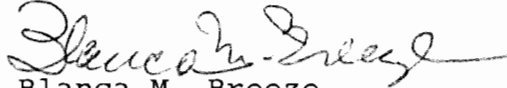
² Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

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Should you have any further questions regarding this matter, please contact our Technical Assistance Division at (916) 322-5662.

Sincerely,

Kathryn E. Donovan
General Counsel


By: Blanca M. Breeze
Counsel, Legal Division

KED:BMB:plh

Enclosures

LAW OFFICES OF
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FILE NUMBER

October 25, 1989

Ms. Blanca Breeze
Attorney, Legal Division
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Re: Request for Advice

Dear Ms. Breeze:

I am writing to confirm telephone advice you provided to me on Thursday, October 5, 1989. My understanding of the question and the conclusion follows.

Question

Is a contribution to a measure committee controlled by an elected state officer cumulated with contributions to candidate committees controlled by that elected state officer for purposes of the special odd-year disclosure statement? (Government Code section 84202.7.)

Conclusion

A contribution to a measure committee controlled by an elected state officer is not cumulated with contributions to candidate committees controlled by that elected state officer for purposes of the special odd year disclosure statements.

Please contact me if I have misstated either the question or the conclusion.

Very truly yours,



BRUCE W. ROBECK
Paralegal Administrator
Political Reports Unit
Sacramento

BWR/mjsw
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California Fair Political Practices Commission

November 3, 1989

Bruce W. Robeck
Paralegal Administrator
Neilsen, Merksamer, et al.
770 L Street, Suite 800
Sacramento, CA 95814

Re: Letter No. 89-634

Dear Mr. Robeck:

You have requested confirmation of advice under the Political Reform Act. We have reviewed your request and determined that it is not appropriate for response with a simple confirmation. Therefore, we will be preparing a fuller analysis of the issues raised in your letter to us. After the analysis has been prepared and approved, we will forward it to you as quickly as we can.

If you have any questions, you may contact me at (916) 322-5901.

Sincerely,

Blanca M. Breeze
Counsel, Legal Division

BMB:plh:confadv2